IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.25157-M of 2006
Date of Decision:- 26.02.2007

Subodh Gupta ....Petitioner(s)

through
Mr.Sanjeev Gupta, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.
Mr.R.S.Cheema, Sr.Advocate with
Mr.Rajiv Trikha, Advocate for
respondents No.2 to 5.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

In this petition under Section 482 Cr.P.C., petitioner seeks quashing of the order dated 25.3.2006 passed by the learned Chief Judicial Magistrate, Karnal whereby the petitioner-complainant's request to summon Dr.Amod Gupta, a doctor in the PGIMER, Chandigarh, as one of the prosecution witnesses, has been turned down.

On a complaint made by the petitioner, F.I.R.No.170 dated 12.4.2002 under Sections 323, 325, 326, 452, 506, 34 IPC was registered in Police Station City Karnal. It is alleged in the F.I.R. that the petitioner was given beatings and caused injuries by the accused persons, namely, respondents No.2 to 5.

There is a cross-version also in which the petitioner and his associates are sought to be implicated.

The Investigating Agency presented a challan in which Dr.Ravinder Kaur, Senior Resident, Eye Department, PGIMER, Chandigarh

is shown to be one of the prosecution witnesses. Admittedly, she is yet to be examined by the prosecution.

Meanwhile, the petitioner moved an application under Section 311 Cr.P.C. for summoning of Dr.Amod Gupta of the PGIMER, Chandigarh as an additional prosecution witness on the plea that the petitioner was treated by the said doctor who also issued a certificate dated 17.10.2002 (Annexure P-2) to this effect.

The petitioner's application qua the afore-said relief, however, has been turned down by the learned Chief Judicial Magistrate vide the impugned order.

After hearing learned counsel for the parties, I am of the considered view that since Dr.Ravinder Kaur, Senior Resident from the Eye/Opthamalogy Department, PGIMER, Chandigarh, is yet to be examined as a witness, the prosecution will be at liberty to get the entire records of PGIMER, Chandigarh summoned and produced through her as far as the same pertain to the treatment, if any, given to the petitioner including by Dr. Amod Gupta of the said Institute and, thus, there is no legal necessity to summon Dr.Amod Gupta, for the said purpose.

With these observations and liberty, this petition is disposed of.

February 26, 2007 **(SURYA KANT)**
poonam **JUDGE**